IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

CHRIS CEVALLOS, NICHOLAS	8	
CEVALLOS, ANDREA GARZA	8	
INDEPENDENTLY AND AS THE	8	
ADMINISTRATOR OF THE ESTATE	8 8	
	8	
OF ANDRES CEVALLOS, DECEASED,	8	
AND ON BEHALF OF THE HEIRS,	§	
	§	
Plaintiffs,	§	
*	§	CASE NO. 4:07cv242
VS.	§	
	§	
TOYS "R" US, INC., INTERLAKE	§	
MATERIAL HANDLING, INC.,	§	
INTERROLL CANADA, LTD., AND	§	
COAST TO COAST INSTALLATIONS,	§	
INC.,	§	
	§	
Defendants.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE <u>UNITED</u> <u>STATES MAGISTRATE JUDGE</u>

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 10, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Coast to Coast Installation Inc.'s Section 1404(a) Motion to Transfer (Dkt. 14) be GRANTED, Defendant Interlake Material Handling, Inc.'s Motion to Transfer Venue (Dkt. 21) be GRANTED, and Defendant Interroll Canada Ltd.'s Motion to Dismiss or, in the Alternative Motion to Transfer Venue Pursuant to Rule 12(B)(3) and 28 U.S.C. §§ 1404 and 1406 (Dkt. 19) be GRANTED in part and DENIED in part and that this cause be transferred in its entirety to the Northern District of Texas, Dallas Division.

Having received the report of the United States Magistrate Judge, and no objections thereto

having been timely filed, this Court is of the opinion that the findings and conclusions of the

Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions

of the Court. Therefore, Defendant Coast to Coast Installation Inc.'s Section 1404(a) Motion to

Transfer (Dkt. 14) is GRANTED, Defendant Interlake Material Handling, Inc.'s Motion to Transfer

Venue (Dkt. 21) is GRANTED, and Defendant Interroll Canada Ltd.'s Motion to Dismiss or, in the

Alternative Motion to Transfer Venue Pursuant to Rule 12(B)(3) and 28 U.S.C. §§ 1404 and 1406

(Dkt. 19) is GRANTED in part and DENIED in part. Further, this cause is ordered transferred in

its entirety to the Northern District of Texas, Dallas Division..

IT IS SO ORDERED.

SIGNED this 4th day of January, 2008.

MICHAEL H. SCHNEIDER

UNITED STATES DISTRICT JUDGE

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